

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BROOKE TAFLINGER also known as
B.N.T.,

Plaintiff,

vs.

BRIAN HINDSON,
CENTRAL INDIANA AQUATICS,

Defendants.

No. 1:09-cv-00771-TWP-DML

ENTRY ON DAMAGES

On August 30, 2012, the Court held a damages hearing on Plaintiff Brooke Taflinger's claims against Defendants Brian Hindson and Central Indiana Aquatics. The Court had previously entered default judgment against Mr. Hindson and Central Indiana Aquatics on May 24, 2012. At the hearing, the Court heard testimony from Ms. Taflinger and her father, Mr. Bruce Taflinger. Ms. Taflinger requested \$1,500,000.00 in compensatory damages, \$1,000,000.00 in punitive damages, \$37,000.00 in costs, and \$360,000.00 in future medical damages. The Court awarded Plaintiff's compensatory damages, punitive damages, and costs. The Court took Ms. Taflinger's request for medical damages under advisement and now issues its judgment.

Ms. Taflinger's request for future medical damages included a calculation resulting in \$360,000.00 and a medical report from Dr. Drew H. Barzman, a psychiatrist. The \$360,000.00 amount was reached by multiplying \$500.00 per month for 60 years. Dr. Barzman evaluated Ms.

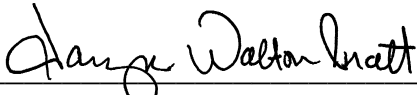
Taflinger on August 24, 2012. Dr. Barzman diagnosed Ms. Taflinger with “anxiety disorder not otherwise specified” and “major depressive disorder,” with symptoms of significant posttraumatic stress disorder. He “highly recommended” Ms. Taflinger receive therapy.

However, Dr. Barzman did not indicate how often Ms. Taflinger should receive therapy, or for how long. Additionally, Ms. Taflinger testified that she was not currently in therapy and she had not received any therapy following Dr. Barzman’s evaluation. Ms. Taflinger’s submissions to the Court also fail to establish with reasonable certainty the frequency and duration of future therapy. Moreover, Ms. Taflinger has not provided the Court with the reasoning used to reach the \$500.00 per month cost.

The Court therefore finds Ms. Taflinger has not submitted sufficient evidence on which the Court can rely to award her \$360,000.00 in future medical damages. Accordingly, this request is denied. Ms. Taflinger’s awards of \$1,500,000.00 in compensatory damages, \$1,000,000.00 in punitive damages, and \$37,000.00 in costs remain.

SO ORDERED.

Date: 09/24/2012



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distributed to:

B. Robert Allard
CORSIGLA MCMAHON AND ALLARD
rallard@cmalaw.net

James M. Curran
LAW OFFICE OF JAMES M. CURRAN
jmc@currantriallaw.com, jimcurrantriallaw@yahoo.com

Kristopher N. Kazmierczak
KATZ & KORIN P.C.
kkazmierczak@katzkorin.com, vellis@katzkorin.com

Jonathan Charles Little
SAEED & LITTLE, LLP
jon@slawfirm.com

Bernard Lowell Pylitt
KATZ & KORIN P.C.
bpylitt@katzkorin.com, vellis@katzkorin.com

Thomas E. Wheeler , II
FROST BROWN TODD LLC
twheeler@fbtlaw.com, kdickerson@fbtlaw.com